IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

Bail Appl..No. 3813 of 2007()

CRIME NO.12/07 OF KOZHIKODE EXCISE RANGE

.....

PETITIONER: ACCUSED

P.RAMESAN, AGED 32 YEARS
PONNAKKAMBATH HOUSE
THIRUTHIVALAPPU, KALLAI,
KOZHIKODE-673003

BY ADV. SRI.P.S.SREEDHARAN PILLAI
SMT.C.G.PREETHA

RESPONDENTS: COMPLAINANT/STATE

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 3813 of 2007

Dated this the 26th day of June, 2007

ORDER

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. 562 bottles of Indian Made Foreign Liquor were allegedly seized from the possession of the petitioner. The petitioner allegedly got a consignment unloaded to his vehicle from the railway station and as directed by the officials, the consignment was moved to the Sales Tax office. It is only there that it was revealed that the consignment consisted of Indian Made Foreign Liquor. On coming to know of this, the petitioner allegedly took to his heels. He later surrendered before the learned Magistrate on 4/6/07 and continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. He was informed that the consignment was of medicines. He had bona fide taken delivery of the consignment from the railway station. He was

asked to proceed with the consignment to the Sales Tax office and he did bona fide so proceed. When it was revealed that the consignment consisted of Indian Made Foreign Liquor, he went away to contact the persons responsible and to apprise them of the event. He had no contumacious knowledge at all. In these circumstances, the petitioner, who has remained in custody for the past about three weeks, may now be enlarged on bail, submits the learned counsel for the petitioner.

2. The learned Public Prosecutor does not oppose the prayer. Appropriate conditions may be imposed, it is prayed. In response to a pointed query put by this Court, the learned Public Prosecutor submits that, at the moment, no specific and tangible data has been obtained to indicate that the petitioner had a contumacious mind – except his conduct of making himself scarce after the consignment was found to consist of Indian Made Foreign Liquor. I am satisfied that the petitioner can now be enlarged on bail subject to appropriate terms and conditions.

3. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.50,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. to Judge